

## Message Text

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ACTION ARA-20

INFO OCT-01 ISO-00 L-03 H-03 EB-11 COME-00 JUSE-00 CIAE-00

INR-11 NSAE-00 RSC-01 TRSE-00 AID-20 SS-20 NSC-07

SP-03 IO-14 PRS-01 FRB-03 CIEP-03 OPIC-12 XMB-07

DRC-01 /141 W

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R 061836Z AUG 74

FM AMEMBASSY PORT AU PRINCE

TO SECSTATE WASHDC 8360

LIMITED OFFICIAL USE PORT AU PRINCE 1504

E.O. 11652: N/A

TAGS: EFIN, EIND, HA

SUBJECT: PRIVATE COMMERCIAL DISPUTES WITH GOH

REF: (A) PORT-AU-PRINCE 1492;

(B) 10 FAM 988;

(C) STATE A-10523, 12/28/74

1. DURING TALK WITH PRESIDENT DUVALIER AUGUST 2, AFTER  
TOUCHING ON TROUBLESOME SPECIFIC CASES INVOLVING PRIVATE  
US CONTRACTS WITH GOH AUTHORITIES, DCM THOMSON AND I  
SUGGESTED TO PRESIDENT THAT, FOR FUTURE CONTRACTS THIS  
NATURE AND FOR THE LONGER TERM, GOH CONSIDER AND ADHERE  
TO MORE ORDERLY PROCEDURE FOR RESOLVING DISPUTES.

2. WE ARGUED THAT UNDER HAITI'S TRADITIONAL AND CURRENT  
METHODS OF HANDLING DISPUTES WITH FOREIGN PRIVATE CON-  
TRACTORS, REGARDLESS OF MERITS OF CASES, GOH WAS LEAVING  
ITSELF OPEN TO CONTINUAL ATTACKS BY UNSATISFIED FOREIGN  
CLAIMANTS UPON HAITI'S ADMINISTRATIVE AND JUDICIAL SYSTEM  
WHICH WERE DAMAGING TO THE KIND OF CLIMATE GOH IS TRYING  
TO BUILD FOR PRIVATE INVESTMENT AND COULD CAUSE FURTHER  
DIFFICULTIES FOR USG'S EFFORTS TO DELIVER ECONOMIC  
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ASSISTANCE EFFECTIVELY.

3. WE STRESSED ADVANTAGES FOR GOH IN DECIDING WHAT KINDS OF SETTLEMENT PROCEDURE WERE ACCEPTABLE AND PROVIDING FOR MAKING THEM APPLICABLE TO FUTURE CONTRACTS. WE EMPHASIZED, IN PARTICULAR, ADVANTAGES OF THIRD PARTY SETTLEMENT PROCEDURES IN TERMS OF BUILDING CONFIDENCE, AVOIDING ENDLESS DISPUTES, AVERTING SITUATIONS WHERE USG MIGHT HAVE TO CONSIDER ESPousing PRIVATE CLAIMS, AND SPARING PRESIDENT'S PERSONAL ATTENTION FOR MORE CONSTRUCTIVE EFFORTS. WE NOTED GOH'S WILLINGNESS TO ACCEPT ICJ JURISDICTION IN DUPONT CARIBBEAN CONTRACT BUT EXPLAINED THAT ICJ WAS NOT THE APPROPRIATE INSTITUTION.

4. PRESIDENT SHOWED INTEREST AND INDICATED GOH WOULD BE RECEPTIVE TO LOOKING AT POSSIBILITIES AND OPTIONS. I INTEND TO PURSUE THIS OPPORTUNITY WITH A WRITTEN COMMUNICATION TO FOREIGN MINISTER BRUTUS.

5. ACTION REQUESTED: IN ORDER TO MAKE THIS COMMUNICATION AS EFFECTIVE AS POSSIBLE, WE REQUEST FROM DEPARTMENT:

(A) REFERENCES TO PERTINENT CIRCULAR GUIDANCES WITHIN PAST 3 YEARS IN ADDITION TO REFS (B) AND (C) ABOVE;

(B) BASIC "TALKING POINTS", PARTICULARLY ON AVAILABLE OPTIONS;

(C) BASIC MATERIALS ON IBRD INTERNATIONAL CENTER FOR THE SETTLEMENT OF INVESTMENT DISPUTES (WITH PRACTICAL GUIDANCE ON HOW GOH ANDFOREIGN CONTRACTOR WOULD TAKE RECOURSE TO IT);

(D) BASIC MATERIALS ON ANY OTHER INTERNATIONAL MECHANISMS WE SHOULD MENTION IN OUR PROPOSED COMMUNICATION.  
ISHAM

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** DISPUTES, ECONOMIC ASSISTANCE, DISPUTE SETTLEMENT, TRADE COMPLAINTS, PRIVATE INVESTMENTS, DIPLOMATIC DISCUSSIONS, DIPLOMATIC COMMUNICATIONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 06 AUG 1974  
**Decaption Date:** 01 JAN 1960  
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**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** cunninfx  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
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**Disposition History:** n/a  
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**Film Number:** D740214-1119  
**From:** PORT AU PRINCE  
**Handling Restrictions:** n/a  
**Image Path:**  
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**Reference:** (A) PORT-AU-PRINCE 1492;  
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**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** PRIVATE COMMERCIAL DISPUTES WITH GOH  
**TAGS:** EFIN, EIND, HA, (DUVALIER, JEAN-CLAUDE), (BRUTUS)  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005